

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	:	
CLINTON KERSHAW,	:	
	:	
Plaintiff,	:	
	:	23-CV-4159 (VSB)
-against-	:	
	:	<u>ORDER</u>
NEW YORK LIFE INSURANCE	:	
COMPANY,	:	
	:	
Defendant.	:	
-----X	:	

VERNON S. BRODERICK, United States District Judge:

It appears to the Court that Plaintiff's attorney, Mr. William Wesley Frame, passed away on August 16, 2024. *See* Ciriello-Carr Memorial Home, *Obituary: William Wesley Frame*, <https://perma.cc/94JP-CT67>. The Court expresses its condolences to Mr. Frame's family.

All deadlines in this matter were previously stayed, and Defendant's unopposed motion to dismiss is pending before the Court. (*See* Doc. 39.) Given that Plaintiff's failure to oppose the motion to dismiss was due to Mr. Frame's illness, (*see, e.g.*, Docs. 22, 39), I will grant Plaintiff leave to retain new counsel according to the following procedure:

IT IS HEREBY ORDERED that Defendant New York Life Insurance Company shall search its records for Plaintiff's contact information and attempt to serve a copy of this Order via physical, mail, or email service. No later than June 2, 2025, Defendant shall file a letter detailing its attempts to effectuate service.

IT IS FURTHER ORDERED that this action is STAYED until June 23, 2025 so that Plaintiff may either (1) retain new counsel and oppose the pending motion at Doc. 15 or (2) elect to proceed pro se. Plaintiff is advised that if I consider the motion unopposed, I will independently "determine[e] based on [my] own reading of the [complaint] and knowledge of

the law” whether to grant or deny the motion to dismiss. *McCall v. Pataki*, 232 F.3d 321, 322–23 (2d Cir. 2000).

SO ORDERED.

Dated: April 25, 2025
New York, New York

A handwritten signature in black ink, reading "Vernon Broderick". The signature is written in a cursive, slightly stylized font. The first letter "V" is large and prominent, and the last letter "k" has a long, sweeping tail.

Vernon S. Broderick
United States District Judge